

HONORABLE BARBARA J ROTHSTEIN

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MAY 02 2003

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN RE Phenylpropanolamine (PPA) Products)
Liability Litigation)

No MDL 1407

This document relates to all actions

~~PROPOSED~~ CASE MANAGEMENT
ORDER REGARDING CONDUCTING
OF EXPERT WITNESS TRIAL
PRESERVATION DEPOSITIONS
(CMO No. 14)

The following Order shall govern the conduct of trial preservation depositions of expert witnesses noticed pursuant to Section II F 2 of the Court's Case Management Order regarding Expert Witness Discovery filed December 23, 2003

1 A party noticing an expert witness for preservation deposition ("noticing party") shall reserve two dates for completion of the preservation deposition, with seven hours reserved for examination on the first day and five hours reserved for examination on the second day. The dates reserved shall be stated in the Notice of Deposition, along with the expected length of the direct examination. To the extent practicable, counsel for noticing party shall consult with opposing counsel in an effort to schedule the deposition at times convenient to the witness and counsel for the parties. The Court shall resolve any deposition scheduling issues that Lead Counsel or their designees are unable to resolve.

2 The testimony elicited on direct examination of the expert witness shall be limited to the opinions and bases and reasons therefor contained in the expert's written report pursuant to Rule 26(a)(2)(B) of the Federal Rules of Civil Procedure. Any direct testimony

[PROPOSED] CASE MANAGEMENT ORDER
REGARDING EXPERT WITNESS DEPOSITIONS - 1
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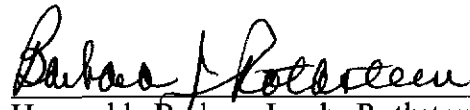
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1 regarding an opinion beyond the scope of the expert's report shall be subject to an appropriate
2 motion to strike, and any party against whom the expert's opinion is directed ("adverse party")
3 shall reserve the right to cross-examine the expert witness on such opinion after a ruling on
4 the motion to strike is obtained

5 3 Ten calendar days prior to the first day of the preservation deposition, the
6 noticing party shall disclose to all adverse parties all documents and trial exhibits to be used
7 during direct examination of the witness at deposition, including without limit any
8 demonstrative exhibit or any exhibit summarizing other evidence


9 4 Testimony elicited from the expert witness on cross-examination may be used
10 by any adverse party as if counsel for that adverse party had conducted the cross-examination,
11 and accordingly an adverse party may not duplicate the cross-examination previously
12 conducted by another adverse party

13 SO ORDERED this 30th day of April, 2003

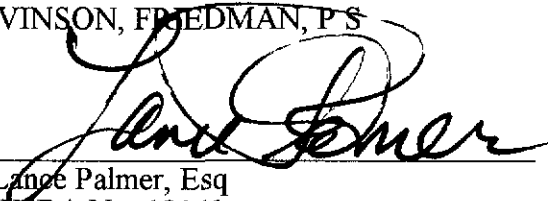
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15 
16 Honorable Barbara Jacobs Rothstein
United States District Court Judge

17 Presented by

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20 By 
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[PROPOSED] CASE MANAGEMENT ORDER
REGARDING EXPERT WITNESS DEPOSITIONS - 2
Case No MDL 1407
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